IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.3624 OF 2005

Kalyan Dombivali Mahanagar Palika Parivahan Karmachari Kamgar Sangh).. Petitioner

Versus

Kalyan Dombivali Municipal Transport Undertaking and another).. Respondents

Mr.S.M. Oak for the Petitioner.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 25TH AUGUST 2005

P.C.:

. The Petitioner challenges the order passed by the Industrial Court, Thane rejecting its application for a direction to Respondent No.2 Union to produce its Constitution. The Industrial Court has found that this application has been made only after the evidence was closed. It is also observed that there are no pleadings raised in the application filed under Section 13 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 for cancellation of the recognition with regard to omission of certain mandatory provisions in the Constitution. The Industrial Court has, therefore, found that granting the application would lead to a fishing and roving enquiry which is strictly forbidden in law. In my view, the Industrial Court

cannot be faulted. The Petitioner can always acquire a copy of the Constitution of Respondent No.2 Union from the Registrar of Trade Unions since it is a public document. If such a copy is acquired and the Petitioner desires to produce the same, it is left to the Industrial Court to decide whether to allow the Petitioner to produce the same on record at this stage of the proceedings. Petition rejected.